

Statement from the FBFRT to Acton BOS: Jan-23-2006

Good evening, I am Tom Michelman of 6 Magnolia Drive, and tonight I am representing the Friends of the Bruce Freeman Rail Trail, Inc. of which I am board member and Secretary; with me is Friends' Board member Emily Teller of Westford. Mr. Chairman, fellow Selectmen, Mr. Manager, I thank you for this opportunity to discuss issues regarding the Bruce Freeman Rail Trail. If it is all right with Chairman Ashton, I will read a prepared statement, and then entertain questions.

As you well know, the Bruce Freeman Rail Trail, or BFRT is the proposed 25 mile rail trail to run on the old Lowell Secondary Line between Cross Point Towers in Lowell and Route 9 in Framingham. Acton contains 4.6 miles of the Executive Office of Transportation (EOT) owned right-of-way. The Town of Acton completed a rail trail feasibility study for the BFRT in 2004, was granted a \$75,000 Community Preservation Act (CPA) request for early stage design efforts at Spring Meeting in 2005, and has a pending CPA request for an additional \$125,000 toward the 25% design costs. Town completion of the 25% design is a pre-requisite for the significant matching funds from the State and Federal governments for the trail.

The Friends of the Bruce Freeman Rail Trail (or The Friends) is a group of residents from all 7 of the towns through which the proposed trail runs. We strongly support the trail and advocate for its development at the local, regional and state level. We have hundreds of paid members and thousands of supporters. The Friends of the Bruce Freeman Rail Trail are incorporated as a charitable non-profit 501(c)(3) organization. I have included for you a list of some of our recent accomplishments in a separate handout.

Tonight we have two specific requests we believe you can act on immediately, and two additional issues that we would like you to consider and act on as soon as possible.

Immediate request #1 – In October the Town was able to provide access to EOT right-ofway

between Concord Road and Route 2A for a “Friends” sponsored Trail Clearing and Clean-up. It was a great success. We cleared a jungle like swath from Pedal Power south almost to Concord Road. We had 40 volunteers and 10 corporate sponsors. Two current Selectmen, Walter Foster and Andy Magee, participated (thank you very much). We would like to complete the clearing to Concord Road, and then work our way north on March 18th (with a rain date of March 25th). We ask that the Town submit another Right of Entry request to the EOT for the exact same section of the right-of-way as was submitted in October. We will then go before the Conservation Commission for their approval.

We do not have a specific problem, but I do not know if we can obtain all the necessary approvals from the Stateto meet the schedule noted above.

Immediate Request #2 – As the logistics of the BFRT continue to become more complicated and as the Friends become more active and knowledgeable we request that the Board, if there is a willing volunteer, assign a designated Board liaison to communicate with the Friends and to handle BFRT issues that are accelerating in

Formatted: Font: (Default) Arial, 16 pt, Bold, Italic, Underline

Formatted: Font: Bold, Italic, Underline

Formatted: Font: (Default) Arial, 16 pt, Bold, Italic, Underline

Formatted: Font: (Default) Arial, 16 pt

Formatted: Font: Old English Text MT

frequency and becoming more time critical. This responsibility was previously assigned to Selectman Johnson, but since his resignation has not been officially filled. Let me note that all of the Board of Selectmen members have individually shown support for the BFRT and the Friends, on an *ad hoc* basis, and we greatly appreciate it. We also note that we believe it would be more effective and efficient for us, and the BoS, to work through a single BoS liaison for the BFRT the majority of the time.

We hope you will act on these two request tonight.

I now would like to discuss two other somewhat complicated issues that emphasize our desire to have a Selectmen liaison and have more direct contact with the Town. They are the Carlisle and Westford "missing link" and a Plan [or Plan "B"] for completing 25% design in time to be in line for Transportation Improvement Plan. (TIP) funding for FY 2008.

First the "missing link". Phase I of the BFRT extends 7.5 miles from the city line in Lowell and ends at the northern curb of Route 225 on Carlisle Road in Westford where it crosses Route 27. This portion has been 100% designed and funded as part of Phase I. However, it is now in the "redesign" phase. MassHighway expects advertisement for construction to be re-issued late spring / early summer 2006, which means groundbreaking would occur in autumn 2006.

Phase II consists of 13 miles – from Rte 225 in Westford (a 0.2-mile segment) through Carlisle (another 0.2-mile segment), Acton (4.6 miles), West Concord and Concord (3.6 miles), to Route 20 in Sudbury (4.4 miles). The Phase II that is on the Metropolitan Planning Organization's (MPO) TIP starts in Carlisle and excludes the Westford portion (of 0.2 miles). This oversight is not surprising given the short-length of the Westford segment and that Westford is a Northern Middlesex Council of Government (NMCOG) community rather than a Metropolitan Area Planning Council (MAPC) community. Regardless of what is currently on the TIP, MAPC representative Scott Walker made abundantly clear at our October Friends meeting (as have others), that a request for a rail trail project that provides connectivity will be looked upon very kindly for the competitive matching funds. Specifically merging the Acton, Carlisle and Westford portions would increase acceptance of the project for TIP funding.

We understand that both Carlisle and Westford are amenable to a proceeding with the design phase of the rail trail under Acton auspices. Initial thoughts are that each town would be responsible for its own assigned costs on this Acton-led project. Beyond making the project more competitive for matching State and Federal dollars, we hope that Acton agrees, from a local and regional perspective, this is the right thing to do. It certainly is a way to get rail trail users from densely populated Lowell, Chelmsford and Westford to travel south and spend some discretionary dollars with Acton merchants, and allow our residents to ride on a 13 mile trail north of Rte 2 for the time being, (rather than one of 4.6 miles).

We understand that engaging Carlisle and Westford will require additional Staff and Town Counsel resources. To that end the Board of Directors of the Friends of the BFRT have been polled and have unofficially agreed to help as follows: "We, The Friends of the Bruce Freeman Rail Trail, offer the Town of Acton \$5,000 to help fund any additional Acton Town Staff time and/or legal expenses that will be incurred while overseeing the details of the Bruce Freeman Rail Trail 25% Design specifications for an RFP, including the Westford/Carlisle 'missing link'." Our board will officially vote on

this offer at our next meeting on February 6th, if the BoS indicates that this offer would be accepted.

The liability would far exceed the generous offer by the Friends. What we propose is that Acton takes the lead, chooses the design firm and ensures that Westford and Carlisle can access the same design firm at the same pricing formula. However, Westford and Carlisle would independently decide to contract with the vendor.

Formatted: Font: (Default) Arial, 14 pt, Bold, Italic, Underline

Formatted: Font: (Default) Arial, 14 pt

Finally, we would like to start cementing a plan and timeline for completing the “25% Design”. The funding for construction of Phase II is on the TIP for FY 2008. To make this happen, the 100% design phase must be completed and reviewed by MassHighway by September 2007. For this to happen, the 25% Design phase must be completed by December 2006, and to do that we believe that the 25% design contract must be awarded to a design firm (after specifications are put out for bid) by June 2006, as it takes about 6 months to do the preliminary design.

If this project does not meet these deadlines, there is risk that other projects on the TIP list, ones that are “complete” or have higher priority, will take the \$4.4 million funding that is now “on hold” for Phase II of the Bruce Freeman project (including Concord which is also forging ahead). Or worse than that, Federal and State funding matching policies may change and matching funds will not be available in future years.

We understand the reticence to start design prior to Senator Resor’s Rail Trail Insurance amendment passage, but there also is risk to waiting. The Friends believe that 25% design efforts should proceed, regardless of the outcome of Resor Amendment in the currently pending Economic Stimulus bill. At some point we must have faith that the liability and indemnification issues will be resolved, even if the amendment does not pass this time. If we forge ahead with 25% design efforts we will have a lot of incentive to work something out, and you can count on the Friends to continue to work with you to push Beacon Hill and others on this issue.

Thank you for listening to our requests and concerns. The Friends and I look forward to your thoughts on theses and other issues that may affect the Bruce Freeman Rail Trail.

As the Board is aware, the issue of environmental liability is huge. I understand environmental liability costs in Hudson were in excess of \$1 million.

Formatted: Font: Bold, Italic, Underline

Formatted: Font: (Default) Arial, 14 pt, Bold, Italic, Underline